

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KEISHA RAYSIDE,

Plaintiff

v.

EASTERN CONNECTION OPERATIONS,
INC., individually and d/b/a DICOM, and
CAPSTONE LOGISTICS, LLC,

Defendants.

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Index No. 2:19-cv-01759-NGG-CLP

**DEFENDANT CAPSTONE
LOGISTICS, LLC'S ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT**

Defendant Capstone Logistics, LLC ("Defendant"), by way of Answer to Plaintiff's Amended Complaint, hereby says:

AS TO NATURE OF CASE

1. Defendant admits that Plaintiff purports to bring this action pursuant to the New York Executive Law and the New York City Administrative Code. Defendant however denies that it has violated any provision of the aforementioned Statutes as to Plaintiff or that Plaintiff is entitled to any form of relief as alleged.

AS TO JURISDICTION

2. Defendant admits that this Court has jurisdiction over Plaintiff's claim, but denies that Plaintiff is entitled to any damages or other relief.

3. Defendant admits that venue is proper in this district, but denies that Plaintiff is entitled to any damages or other relief.

AS TO PARTIES

4. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Amended Complaint and therefore denies same.

5. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Amended Complaint and therefore denies same.

6. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Amended Complaint and therefore denies same.

7. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Amended Complaint and therefore denies same.

8. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Amended Complaint and therefore denies same.

9. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Amended Complaint and therefore denies same.

10. Defendant admits the allegations set forth in Paragraph 10 of the Amended Complaint.

11. Defendant admits the allegations set forth in Paragraph 11 of the Amended Complaint.

12. Defendant admits the allegations set forth in Paragraph 12 of the Amended Complaint.

13. Defendant admits the allegations set forth in Paragraph 13 of the Amended Complaint.

14. Paragraph 14 of the Amended Complaint fails to provide factual allegations to which a response can be provided.

AS TO MATERIAL FACTS

15. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 15 of the Amended Complaint and therefore denies same.

16. The allegations contained in Paragraph 16 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 16 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

17. The allegations contained in Paragraph 17 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 17 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

18. The allegations contained in Paragraph 18 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 18 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

19. The allegations contained in Paragraph 19 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 19 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

20. The allegations contained in Paragraph 20 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 20 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

21. The allegations contained in Paragraph 21 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 21 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

22. The allegations contained in Paragraph 22 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 22 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

23. The allegations contained in Paragraph 23 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 23 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

24. The allegations contained in Paragraph 24 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 24 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

25. The allegations contained in Paragraph 25 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 25 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

26. The allegations contained in Paragraph 26 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 26 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

27. The allegations contained in Paragraph 27 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 27 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

28. The allegations contained in Paragraph 28 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 28 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

29. The allegations contained in Paragraph 29 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 29 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

30. The allegations contained in Paragraph 30 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 30 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

31. The allegations contained in Paragraph 31 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 31 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

32. The allegations contained in Paragraph 32 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 32 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

33. The allegations contained in Paragraph 33 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 33 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

34. The allegations contained in Paragraph 34 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 34 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

35. The allegations contained in Paragraph 35 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 35 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

36. The allegations contained in Paragraph 36 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 36 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

37. The allegations contained in Paragraph 37 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 37 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

38. The allegations contained in Paragraph 38 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 38 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

39. The allegations contained in Paragraph 39 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 39 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

40. The allegations contained in Paragraph 40 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 40 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

41. The allegations contained in Paragraph 41 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 41 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

42. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 42 of the Amended Complaint and therefore denies same.

43. The allegations contained in Paragraph 43 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 43 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

44. The allegations contained in Paragraph 44 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 44 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

45. The allegations contained in Paragraph 45 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 45 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

46. The allegations contained in Paragraph 46 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 46 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

47. The allegations contained in Paragraph 47 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 47 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

48. The allegations contained in Paragraph 48 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 48 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

49. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 49 of the Amended Complaint and therefore denies same.

50. The allegations contained in Paragraph 50 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 50 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

51. The allegations contained in Paragraph 51 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 51 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

52. The allegations contained in Paragraph 52 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 52 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

53. The allegations contained in Paragraph 53 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 53 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

54. The allegations contained in Paragraph 54 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 54 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

55. The allegations contained in Paragraph 55 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 55 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

56. Defendant admits the allegations contained in Paragraph 56 of the Amended Complaint.

57. The allegations contained in Paragraph 57 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 57 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

58. The allegations contained in Paragraph 58 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 58 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

59. The allegations contained in Paragraph 59 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 59 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

60. Except to admit that Capstone hired some Dicom employees, Defendant denies the allegations set forth in Paragraph 60 of the Amended Complaint.

61. Defendant denies the allegations set forth in Paragraph 61 of the Amended Complaint.

62. The allegations contained in Paragraph 62 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 62 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

63. Defendant denies the allegations set forth in Paragraph 63 of the Amended Complaint.

64. Defendant denies the allegations set forth in Paragraph 64 of the Amended Complaint.

65. Defendant denies the allegations set forth in Paragraph 65 of the Amended Complaint.

66. Defendant denies that it retaliated against Plaintiff in any manner.

67. The allegations contained in Paragraph 67 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 67 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

68. The allegations contained in Paragraph 68 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 68 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

69. The allegations contained in Paragraph 69 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 69 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

70. Defendant denies the allegations set forth in Paragraph 70 of the Amended Complaint.

71. Defendant denies the allegations set forth in Paragraph 71 of the Amended Complaint.

72. Defendant denies the allegations set forth in Paragraph 72 of the Amended Complaint.

73. Defendant denies the allegations set forth in Paragraph 73 of the Amended Complaint.

**AS TO FIRST CAUSE OF ACTION
UNDER NEW YORK STATE LAW
DISCRIMINATION**

74. Defendant repeats and realleges its responses to paragraphs 1-73 of the Amended Complaint as if fully set forth at length herein.

75. Defendant neither admits nor denies the allegations set forth in Paragraph 75 of the Amended Complaint as they call for a legal conclusion for which no responsive pleading is required. To the extent that Paragraph 75 of the Amended Complaint alleges any wrongdoing, Defendant denies said allegations.

76. The allegations contained in Paragraph 76 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 76 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

77. Defendant denies the allegations set forth in Paragraph 77 of the Amended Complaint.

78. Defendant neither admits nor denies the allegations set forth in Paragraph 78 of the Amended Complaint as they call for a legal conclusion for which no responsive pleading is required. To the extent that Paragraph 78 of the Amended Complaint alleges any wrongdoing, Defendant denies said allegations.

**AS TO SECOND CAUSE OF ACTION
UNDER NEW YORK STATE LAW
RETALIATION**

79. Defendant repeats and realleges its responses to paragraphs 1-78 of the Amended Complaint as if fully set forth at length herein.

80. Defendant neither admits nor denies the allegations set forth in Paragraph 80 of the Amended Complaint as they call for a legal conclusion for which no responsive pleading is required. To the extent that Paragraph 80 of the Amended Complaint alleges any wrongdoing, Defendant denies said allegations.

81. The allegations contained in Paragraph 81 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 81 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

82. Defendant denies the allegations set forth in Paragraph 82 of the Amended Complaint.

**AS TO THIRD CAUSE OF ACTION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE
DISCRIMINATION**

83. Defendant repeats and realleges its responses to paragraphs 1-82 of the Amended Complaint as if fully set forth at length herein.

84. Defendant neither admits nor denies the allegations set forth in Paragraph 84 of the Amended Complaint as they call for a legal conclusion for which no responsive pleading is required. To the extent that Paragraph 84 of the Amended Complaint alleges any wrongdoing, Defendant denies said allegations.

85. The allegations contained in Paragraph 85 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 85 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

86. Defendant denies the allegations set forth in Paragraph 86 of the Amended Complaint.

**AS TO FOURTH CAUSE OF ACTION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE
RETALIATION**

87. Defendant repeats and realleges its responses to paragraphs 1-86 of the Amended Complaint as if fully set forth at length herein.

88. Defendant neither admits nor denies the allegations set forth in Paragraph 88 of the Amended Complaint as they call for a legal conclusion for which no responsive pleading is required. To the extent that Paragraph 88 of the Amended Complaint alleges any wrongdoing, Defendant denies said allegations.

89. The allegations contained in Paragraph 89 are directed at Defendant Dicom. To the extent that the allegations contained in Paragraph 89 of the Amended Complaint allege any wrongdoing by Capstone, Defendant denies said allegations.

90. Defendant denies the allegations set forth in Paragraph 90 of the Amended Complaint.

AS TO JURY DEMAND

Defendant denies that Plaintiff is entitled to a trial by jury as to all issues.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Amended Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

All of Defendant's actions with respect to Plaintiff were taken for lawful, legitimate, non-discriminatory, non-retaliatory and non-pretextual business reasons.

THIRD SEPARATE DEFENSE

Plaintiff's alleged damages, if any, were attributable in whole or in part to her own conduct and/or third parties over whom Defendant had no control and not to the actions or inactions of Defendant, its employees, agents, or representatives.

FOURTH SEPARATE DEFENSE

Defendant was not Plaintiff's employer.

FIFTH SEPARATE DEFENSE

Subject to reasonable opportunity for investigation and discovery, Plaintiff's claims are limited or barred by the doctrines of unclean hands, laches, estoppel, waiver, and/or other equitable defenses.

SIXTH SEPARATE DEFENSE

Defendant's alleged action or inaction was not taken with malice or with reckless indifference to the protected rights of Plaintiff so as to entitle Plaintiff to punitive damages.

SEVENTH SEPARATE DEFENSE

Plaintiff has failed to make reasonable efforts to mitigate her alleged damages, the entitlement to which Defendant expressly denies.

EIGHTH SEPARATE DEFENSE

Plaintiff did not suffer any damages for which she is entitled to relief and would be unjustly enriched by any recovery.

NINTH SEPARATE DEFENSE

Plaintiff has failed to state facts sufficient to warrant compensatory, consequential, punitive, economic, and any other damages, and/or such damages are barred in whole or in part.

TENTH SEPARATE DEFENSE

Plaintiff is barred from any award of punitive damages because Defendant engaged in no act or omission that would rise to the level required to sustain an award for punitive damages.

ELEVENTH SEPARATE DEFENSE

Plaintiff's claim for punitive damages is barred by applicable law and would violate the Due Process Article of the United States Constitution.

RESERVATION OF RIGHTS

Defendant reserves the right to assert additional defenses as Plaintiff's claims are clarified in the course of litigation.

WHEREFORE, Defendant respectfully requests that this Court find Plaintiff's allegations in the Amended Complaint to be without merit, that the Amended Complaint be dismissed in its entirety with prejudice, that judgment be entered in Defendant's favor and against Plaintiff, and that this Court award Defendant its costs, reasonable attorneys' fees, and such other and further relief as this Court may deem just and proper.

By: /s/ Colleen P. Tandy
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Attorneys for Defendant Capstone Logistics, LLC

Dated: July 16, 2019

CERTIFICATE OF SERVICE

I certify that on this date, the foregoing Answer to Plaintiff's Amended Complaint was electronically filed via the Court's CM/ECF system, thereby serving all counsel of record.

By: /s/ Colleen P. Tandy
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Attorneys for Defendant Capstone Logistics, LLC

Dated: July 16, 2019